

LOYOL P. BROWN.

JANUARY 31, 1879.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GUNTER, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2434.]

The Committee on Indian Affairs, to whom was referred House bill No. 2434, have fully considered the same, and submit the following report:

The bill appropriates the sum of \$3,161 be to pay Loyol P. Brown administrator of the estate of Darius B. Randall, deceased, for certain improvements made by deceased on the Nez Percé Indian Reservation, and relinquished by him to said tribe of Indians, such sum to be reimbursed to the United States from the last of twenty annual installments to be appropriated in fulfillment of the provisions of the treaty of June 11, 1855, with the Nez Percé tribe of Indians.

It appears from the proof accompanying this bill that Darius B. Randall, by special license of D. M. Sells, then agent of the Nez Percé tribe of Indians in the Territory of Idaho, and in conformity with the third paragraph of the eighth article of the treaty of 1863, with said tribe, in the month of August, 1870, went upon and made valuable improvements upon the reservation of said Indians, variously estimated at from \$1,500 to \$3,100. Said permit is hereto attached, marked Exhibit A, and asked to be taken as part of this report.

On the 4th day of August, 1873, the said D. B. Randall, by special request of the Government of the United States through the agent, General J. P. C. Shanks, and under promise of a fair consideration for his improvements, signed and delivered to said agent a release of all his right, title, claim, and interest in and to the said improvements; which said release is hereto attached, marked Exhibit B, and asked to be considered as part of this report.

The evidence further shows that the said Randall, in strict compliance with said release of interest, delivered possession of all his said improvements to said agent for the use and benefit of the Nez Percé tribe of Indians, and that they did get the use and benefit of the same; that on the 5th day of July, 1877, the said Randall was killed in battle with the Nez Percé tribe of Indians at or near ———, and that afterward letters of administration were duly granted on his estate to Loyol P. Brown, and that he is still such administrator.

Your committee further show that this bill, with all the proof, was submitted to the Commissioner of Indian Affairs for his consideration

and opinion thereon, and he, through the honorable Secretary of the Interior, sent the following communication :

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 19, 1877.

SIR: I have the honor to acknowledge the receipt by department reference for report of a letter from J. F. Hill, esq., clerk to House Committee on Indian Affairs, dated the 15th instant, submitting House bill 4474, for the relief of D. B. Randall for improvements made on the Nez Percé Reservation in Idaho, with request for information thereon.

This claim, with others of similar character, was reported to the department with favorable recommendation January 26, 1875, accompanied by a draft of a bill making an appropriation for their payment. No definite action having been taken by the last Congress, and believing these parties justly entitled to compensation, a further report was made on the 6th of January last, reiterating the views of this office heretofore expressed, and requesting that, inasmuch as the last Congress had failed to grant any relief, the subject be again submitted to the present Congress for its favorable action.

Hon. J. P. C. Shanks and Gov. T. W. Bennett, commissioners, made no specific report on this case. Their only report, being a general one, respecting white men on this reservation, may be found on page 158 of annual report for 1873. There is only one communication from Agent Monteith that furnishes any information respecting this claim, and that is believed to contain a full report thereon. A copy of his letter is submitted herewith, as requested by said committee.

I return herewith the communication of Mr. Hill, with inclosure.

Very respectfully, your obedient servant,

S. A. GALPIN,
Acting Commissioner.

Hon. SECRETARY OF THE INTERIOR.

The report of the Commissioner, dated January 6, 1877, and referred to in the above letter, is hereto attached as part of this report, marked C.

In view of the facts that said D. B. Randall in his lifetime went upon said reservation and made valuable improvements thereon by special leave of the then Indian agent, and in compliance with the treaty of 1863, and that he relinquished his rights under the assurance that the government would compensate him for them, and the Indians having enjoyed the full benefit of his labor and improvements, your committee are of the opinion that the heirs of said Randall have a just claim for the value of the improvements made by him and afterward surrendered for the use of said Nez Percé tribe of Indians, and recommend the passage of the bill with the following amendment:

In the third line strike out the words "thirty-one hundred and sixty-one," and insert "*fifteen hundred and seventy-five.*"

EXHIBIT A.

OFFICE INDIAN AGENT, LAPWAI, IDAHO TERRITORY,
August 20, 1870.

Permission is hereby given D. B. Randall to keep a public house on the Nez Percé Reservation on the Sweetwater—distant from this agency about seven miles—upon the conditions as set forth in the intercourse law. This permit to continue in force at the discretion of the agent, or so long as the obligations imposed are fulfilled.

(Signed)

D. M. SELLS,
Capt. U. S. A., and Ind. Agent.

EXHIBIT B.

I hereby assign, set over to, and deliver possession to the Nez Percé Indians, through heir agent, all and singular the improvements, privileges, and appurtenances of and

belonging to all that property known as the "Twelve Mile House" property, on Sweetwater Creek, on the Nez Percé Reservation, heretofore held and made by me and those who preceded in the same, under permits granted by agents of the Nez Percé Indians, under the 8th article of the treaty of 1863, relying and depending upon such remuneration or pay for said improvements solely on the action and decision of the Indian Department at Washington, that shall be made on full showing hereafter to be made to it by the agent of said tribe. If the said department shall decide that under said 8th article of said treaty and the holding possession thereunder without payment of rents, they shall not be entitled to payment for such improvements, then this delivery shall be void and no property assigned.

D. B. RANDALL.

Signed this 4th day of August, A. D., 1873.

In presence of—

F. W. MONTEITH.

EXHIBIT C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 6, 1877.

The Hon. the SECRETARY OF THE INTERIOR:

SIR: I have the honor to invite your attention to the fact that certain white persons, who have resided upon the Nez Percé Indian Reservation, in Idaho Territory, for a number of years, have made valuable improvements thereon; that the commission appointed last year, with your approval, to visit this reservation and to adjust the difficulties existing between the settlers and the roving bands of Nez Percé Indians, recommend in their report of the 1st of December last that the government should forthwith adjust the claims of these settlers for said improvements, and remove these settlers from the reserve, and thereby make room for the settlement of such roving Indians as may be willing to come upon the reservation; and as it was deemed advisable by this office for the best interests of the service, and in accordance with the treaty stipulations, to have these persons removed from the reservation, notice was given them accordingly two years ago. In order, however, that no injustice may be done to these individuals (D. B. Randall and W. A. Caldwell), it is proposed to pay them a fair valuation for their improvements; and I therefore have the honor to submit herewith, in duplicate, a draft of a proposed bill for their relief, providing for the purchase of their improvements, and an appropriation of the sum of six thousand five hundred dollars therefor (this being the value reported by the agent on the 23d of November, 1874), or so much thereof as may be necessary, such amount to be reimbursed to the United States from the last of twenty annual installments to be appropriated in fulfillment of the provisions of the fifth article of the treaty of June 11, 1855, with the Nez Percé tribe of Indians, for the employment of one superintendent of farming, &c.

This was the subject of report of January 26, 1875, but as the last Congress failed to take any decisive action thereon, it is respectfully requested that the proposed bill be transmitted to this Congress at its present session, with a recommendation for favorable action thereon.

I have the honor to be, very respectfully, your obedient servant,

Commissioner.

HOUSE OF REPRESENTATIVES,
January 24, 1876.

SIR: I have the honor to state, in response to inquiry as to my knowledge of the value of the house of Darius B. Randall, deceased, assigned by him to the Nez Percé Indians in 1873, and the dimensions of the same; that I was well acquainted with the value of the property; that I have often lodged at the house; that it was a frame house, about 46 feet long, 24 feet wide, two stories high, with a large addition for a kitchen; was finished, and cost when built not less than \$2,700 when erected.

Very respectfully,

S. S. FENN.

Hon. T. M. GUNTER,
Of Committee on Indian Affairs, H. R.

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